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Attorney for Plaintiff,
CHRISTOPHER SADOWSKI

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHRISTOPHER SADOWSKI, Plaintiff, v. CENTER FOR SECURITY POLICY, INC., Defendant.	Case No. **COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF** **DEMAND FOR BENCH TRIAL**

Plaintiff, Christopher Sadowski, for his Complaint against Defendant, Center for Security Policy, Inc., alleges as follows:

INTRODUCTION

1. Christopher Sadowski (hereinafter "Plaintiff"), by Plaintiff's attorneys, brings this action to challenge the actions of Center for Security Policy, Inc. (hereinafter "Defendant"), with regard to the unlawful use of copyrighted

image (hereinafter "Image") owned by Plaintiff, and this conduct caused Plaintiff damages.

2. For the purposes of this Complaint for Damages, unless otherwise indicated, "Defendant" includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives and insurers of Defendant(s) named in this caption.

JURISDICTION AND VENUE

3. This is a civil action seeking damages and injunction relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101, whereby the Defendant violated Plaintiff's exclusive rights as copyright owner pursuant to 17 U.S.C. § 106.

4. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

5. This Court has personal jurisdiction over the Defendant due to Defendant's transactions or conduct pursuant to New Jersey's long-arm jurisdiction, which extends to the "outermost limits permitted by the United States Constitution".

6. Defendant has directed solicitations for contributions via the internet and US mail from citizens of the state of New Jersey for a substantial and continuous period of time, providing him the benefits and protections of the State

of New Jersey, and such actions may give rise to actions for harm resulting from Defendant's Activities. Through these solicitations, Defendant purposely availed himself to the protection of the New Jersey Courts. Defendant's actions caused Plaintiff harm in the state of New Jersey. Furthermore, this action does not violate traditional notions of fair play and substantial justice.

7. Venue is proper pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Plaintiff's claim occurred in this judicial district.

PARTIES

8. Plaintiff is a natural person who resides in the City of Hawthorne in the State of New Jersey and is a professional photographer by trade.

9. Plaintiff is a "copyright owner" who holds "exclusive rights" to his "copyrighted work[s]" pursuant to 17 U.S.C. §§ 101 and 106.

10. Plaintiff is informed and believes, and thereon alleges, that Defendant is a business entity residing in the City of Washington, in the District of Columbia, and conducted business within the City of Washington, in the District of Columbia.

11. Plaintiff is informed, believes, and thereon alleges, that Defendant is a business entity that unlawfully published one of Plaintiff's copyrighted work without Plaintiff's express or implied authority, by the method of a license.

FACTUAL ALLEGATIONS

12. At all times relevant, Plaintiff was an individual residing within the State of New Jersey and within this judicial district.

13. Plaintiff is informed and believes, and thereon alleges, that at all times relevant, Defendant was a business entity residing in the City of Washington, in the District of Columbia.

14. Plaintiff is a professional photographer by trade. Plaintiff is regularly contracted to take photographs for organizations such as the New York Post. His photographs appear in numerous news publications, magazines, books, television programs and other media. He sells or licenses photography to people and companies seeking to make use of the photographs for editorials, advertisements and pecuniary gain. Plaintiff's livelihood is dependent on receiving compensation for the photographs he produces.

15. Plaintiff took the original Image, *See* Original Image attached hereto as “Exhibit A”.

16. Plaintiff has ownership rights and copyrights to the Image.

17. Plaintiff has registered the Image with the United States Copyright Office under registration number VA 1-968-137.

18. Plaintiff did not consent to authorize, permit, allow in any manner the use of the Image by Defendant.

19. Plaintiff is informed and believes that Defendant used Plaintiff's copyrighted work without his permission and that it published, communicated, benefited through, posted, publicized and otherwise held out to the public for commercial benefit, the original and unique work of Plaintiff without Plaintiff's consent or authority, and acquired monetary gain and market benefit as a result.

20. Plaintiff is informed and believes that Defendant used the Image on Defendant's website http://www.centerforsecuritypolicy.org/ from January 26, 2016 to on or around July 18, 2016, *See* Screenshots of Defendant's use attached hereto as "Exhibit B".

21. Defendant used the Image to promote the Defendant's website despite its knowledge that the Image is subject to copyright.

22. Plaintiff did not consent to the use of his Image for commercial gain.

23. Plaintiff has diligently and continuously attempted to contact the infringer since April 21, 2016 until the date of filing to resolve the matter amicably and reach a settlement, but has been unsuccessful due to Defendant's unresponsiveness.

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FIRST CAUSE OF ACTION

COPYRIGHT INFRINGEMENT

Title 17 of the United States Code

24. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

25. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original materials and/or work.

26. Plaintiff is informed and believes and thereon alleges that the Defendant willfully infringed upon Plaintiff's copyrighted works in violation of Title 17 of the U.S. Code, in that it used, published, communicated, benefited through, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique work of the Plaintiff without Plaintiff's consent or authority, and acquired monetary gain and market benefit as a result.

27. As a result of Defendant's violation of Title 17 of the U.S. Code, Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b) or statutory damages in an amount up to $150,000.00 pursuant to 17 U.S.C. § 504(c).

28. As a result of the Defendant's violations of Title 17 of the U.S. Code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendant.

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29. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant

- Awarding statutory damages in an amount up to $150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c) from Defendant;
- Awarding costs of litigation and reasonable attorney's fees pursuant to 17 U.S.C. § 505 from Defendant;
- Enjoining the Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502; and
- Awarding any other relief the Court deems just and proper.

Dated: March 27, 2017

Respectfully submitted,

/s/ Melissa A. Higbee
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Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, Christopher Sadowski, hereby demands a trial by jury in the above matter.

Dated: March 27, 2017

Respectfully submitted,

/s/ Melissa A. Higbee
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